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**VIA HAND DELIVERY**

Magalie Roman Salas.  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
TW-A325  
Washington, D.C. 20554

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JAN 19 2000  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**Re: Request for Acceptance of Late-Filed Comments and Comments of  
Telecommunications for the Deaf, Inc.; WT Docket No. 97-207**

Dear Ms. Salas:

Enclosed for filing in the above captioned matter, please find an original and five (5) copies of the above referenced Request for Acceptance and Comments of Telecommunications for the Deaf, Inc.

Please acknowledge receipt by date-stamping the enclosed extra copy of this filing and returning it to me in the envelope provided. If you have any questions regarding this filing please contact me at (202) 295-8338.

Sincerely,



Michael J. Mendelson

Enclosures

No. of Copies rec'd 015  
List A B C D E

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )  
 )  
Calling Party Pays Service Offering )  
in the Commercial Mobile Radio Services )

WT Docket No. 97-207

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**REQUEST FOR ACCEPTANCE OF LATE-FILED COMMENTS**

Telecommunications for the Deaf, Inc. ("TDI"), by undersigned counsel, respectfully requests acceptance of the attached comments filed in response to the Federal Communications Commission's ("Commission") Notice of Proposed Rulemaking in the above-referenced proceeding. Although the deadline for submission of reply comments has passed, it is in the public interest to make the record in this proceeding as complete as possible. TDI seeks to represent the interests of the twenty-eight million Americans who are deaf, hard of hearing, late deafened and deaf-blind that may otherwise not be fully represented in this proceeding.

To ensure that the interests of all telecommunications consumers are represented, TDI urges the Commission to accept these late-filed reply comments into the record and consider them as part of this proceeding.

Respectfully submitted,



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Date: January 19, 2000

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Calling Party Pays Service Offering	)	WT Docket No. 97-207
in the Commercial Mobile Radio Services	)	

**COMMENTS OF  
TELECOMMUNICATIONS FOR THE DEAF, INC.**

**I. INTRODUCTION**

Telecommunications for the Deaf, Inc. ("TDI"), by its counsel, hereby submits its comments in the above-captioned proceeding. TDI supports generally the Commission's proposal for calling party pays ("CPP") in the above-captioned proceeding. TDI files these comments to assist the Commission in ensuring that deaf, late-deafened, hard-of-hearing, deaf-blind, and other individuals with disabilities are able to enjoy the full benefits of CPP for Commercial Mobile Radio Services ("CMRS"). Any rules developed by the Commission to implement CPP for CMRS must ensure that notification, billing, and other essential information are accessible to individuals with disabilities, such that the services and related equipment are accessible to individuals with disabilities as required under Section 255 of the 1996 Telecommunications Act and the corresponding Commission rules implementing Section 255.<sup>1</sup> Furthermore, CPP must be available to individuals with disabilities such that the notification, access to billing information, and CPP rates are functionally equivalent to voice CPP services, as generally required by Title IV of the Americans with Disabilities Act.<sup>2</sup>

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<sup>1</sup> See 47 U.S.C. § 255 (1999); *In the Matter of Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities*, Report and Order and Further Notice of Inquiry, adopted July 14, 1999, released Sept. 29, 1999, FCC 99-181, WT Docket No. 96-198.

<sup>2</sup> See 47 U.S.C. § 225 (1999).

## **II. THE COMMISSION MUST ENSURE THAT CMRS PROVIDERS REGISTER WITH TRS PROVIDERS.**

CPP services must be available to deaf and hard-of-hearing individuals who rely on telecommunications relay services (“TRS”) services to make these calls. In drafting rules to implement CPP, the Commission must ensure that CMRS providers, as common carriers, comply with the legal requirement to register with TRS providers.<sup>3</sup> This measure will help to ensure that TRS users have full access to CPP.

## **III. A NATIONWIDE NOTIFICATION STANDARD FOR CPP MUST BE ACCESSIBLE TO DEAF, LATE-DEAFENED, HARD-OF-HEARING, AND DEAF-BLIND TELECOMMUNICATIONS SERVICE USERS.**

TDI applauds the efforts of industry and the Commission in this proceeding to establish a nationwide standard for CPP notification. TDI agrees wholeheartedly that for CPP to be implemented successfully, a nationwide notification standard is necessary. Many deaf and hard-of-hearing individuals currently do not use CMRS due to access issues, and are not aware of all the costs associated with the use of these services. TDI also agrees with the proposed content in CPP notification, and emphasizes that per minute charges are an essential element of any CPP notification standard.<sup>4</sup> Furthermore, the users of CPP services must be notified what additional charges may apply, such as “roaming” charges. Additionally, per minute charge information should specify whether local or long-distance rates apply. TDI also believes that no end-user of telecommunications services should be billed for any calls to a party using CMRS services until

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<sup>3</sup> See 47 U.S.C. § 225(c). Please note that several state TRS programs have complained of difficulties in getting interexchange carriers to comply with carrier of choice programs. Support from the Commission is vital to the successful implementation of TRS rules and regulations nationwide.

<sup>4</sup> See *In the Matter of Calling Party Pays Service Offering in the Commercial Mobile Radio Services*, ¶ 42, Declaratory Ruling and Notice of Proposed Rulemaking, adopted June 10, 1999, released July 7, 1999, FCC 99-137, WT Docket No. 97-207, (“NPRM”).

the entire notification has been presented and the caller affirmatively accepts responsibility for the charges in an accessible manner for text-based users.

The full content of CPP notification must be accessible through HCO/VCO, TRS and through TTY-to-TTY calls to be accessible to deaf, late-deafened, hard-of-hearing, and deaf blind end-users of CMRS telecommunications services. For example, currently in some parts of the country, TTY users who call numbers that are no longer in service receive a text message on their TTY device that the number is no longer in service, or that an area code has changed.<sup>5</sup> Although this service, called TTY intercept messages, is of limited offering across the nation, similar methods can be employed to ensure that TTY users receive the full content of CPP notification.

Frequently, due to the timing of a call, a TRS operator may need to make multiple calls to obtain all the notification information before completing the call. Notification through TRS should include a statement that the caller, responsible for the charges under CPP, shall only be required to pay for the first call, even if multiple attempts are made to retrieve the necessary information.

#### **IV. ADDITIONAL NOTIFICATION INFORMATION IS REQUIRED FOR SUCCESSFUL IMPLEMENTATION OF A NATIONWIDE CPP NOTIFICATION STANDARD.**

TDI asserts that additional notification information is required for successful implementation of a nationwide CPP standard. TDI agrees with the Commission that billing inserts should be provided in telecommunications bill statements that explain the notification standard. In addition to billing inserts, CMRS providers should be required to post advertisements and notification statements in national publications. In particular, advertisements should be placed in national publications solicited by deaf and hard-of-hearing constituents such

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<sup>5</sup> Bell Atlantic provides TTY intercept messages in some states within the Eastern Seaboard of the U.S. Two companies, DiRAD in New York and Electronic Tele-Communications in Wisconsin sell TTY intercept capabilities.

as the “NAD Broadcaster,” TDI’s “GA-SK Newsletter,” “SHHH Journal,” “Deaf Nation,” “News Waves,” and “The Silent News.” Furthermore, it would be helpful for representatives from the CMRS industry to attend national conferences of organizations like TDI, National Association for the Deaf, Association of Late-Deafened Adults, American Association of Deaf-Blind, and Self-Help for the Hard of Hearing (“SHHH”) to make presentations on CPP.

TDI believes that by providing additional notification to deaf and hard-of-hearing individuals and engaging in direct face-to-face communications, the CMRS industry will increase its subscriber base and generate revenue from the as yet untapped market of deaf and hard-of-hearing telecommunications service end-users. Therefore, additional notification requirements are mutually beneficial to both industry and end-users.

**V. PERSONS WITH DISABILITIES AND OTHER END-USERS MUST BE INCLUDED IN THE CTIA - SPONSORED PROCESS TO DEVELOP STANDARDS FOR THE EXCHANGE OF CPP BILLING INFORMATION.**

TDI does not dispute the proposal to permit the Cellular Telecommunications Industry Association (“CTIA”) to develop standards for the exchange of CPP billing information. However, for these standards to be successful and to ensure accessibility to persons with disabilities, consumers of telecommunications services must be allowed to participate actively in the standards-development process. Consumer groups in deafness and hearing loss such as TDI, NAD, SHHH, ALDA, and AABD must be able to participate in the feedback process to ensure that any standards developed are accessible to deaf and hard-of-hearing end-users of CPP services without any extensive, drawn out delays.

**VI. THE CPP RATES CHARGED FOR USERS OF TRS SERVICES, AND TTY DEVICES SHOULD BE EQUITABLE TO THE RATES FOR VOICE TELEPHONY USERS.**

HCO/VCO users making calls through TRS services, as well as TTY users who call other TTY users often are not afforded competitive and comparable per minute rates. CMRS providers

must understand that calls made by these individuals using TTY devices and TRS are longer on average than calls made by voice telephony users, especially with third party involvement such as TRS. Therefore, the average cost and expense to users of TTY or TRS is significantly greater per call than for voice telephony calls made to CMRS. Telecommunications service rates must be equitable as well as competitive. TDI requests that the CMRS providers be required to apply a discount for deaf and hard-of-hearing users for CPP services accessed through TTY and TRS, similar to discounts currently available to TTY and TRS users from long distance service providers. This measure will help to ensure that TRS users do not pay greater rates than voice telephony users, in accordance with the TRS provisions of the Americans with Disabilities Act.<sup>6</sup> Furthermore, TDI believes that the resulting increase in CPP calls placed by TTY and TRS users, and the longer duration of these calls will generate increased revenue for the CMRS industry and increase the number of deaf and hard-of-hearing CMRS subscribers.

**VII. THE ABILITY OF A PRIVATE BUSINESS EXCHANGE TO BLOCK CPP CALLS SHOULD NOT PREVENT INDIVIDUALS WITH DISABILITIES FROM HAVING ACCESS TO REQUIRED TELECOMMUNICATIONS SERVICES.**

TDI understands that a PBX may need the ability to block CPP calls under certain circumstances, such as, in the workplace to avoid abuse by employees. However, whatever blocking measures are installed should not prevent deaf, hard-of-hearing, and other individuals with disabilities from having training and access to comply with these measures, i.e. voice prompts without a TTY alternative, etc. New technology and services must not become an obstacle to the ability of individuals with disabilities to apply for jobs, obtain opportunities to move up the career ladder, or to participate in the marketplace as first class citizens.

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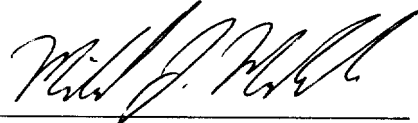
<sup>6</sup> See 47 U.S.C. § 225.



## VIII. SUMMARY

For the Commission's consideration, TDI respectfully submits these comments in the above-captioned proceeding.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Andrew D. Lipman", written over a horizontal line.

Andrew D. Lipman

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